

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JIMMY INNOCENT,

Plaintiff,

-against-

NOTICE OF MOTION

07 CV 4795 (NRB)

THE CITY OF NEW YORK, THE NEW YORK
CITY POLICE DEPARTMENT, AND Unknown
Police Officers "JOHN DOE A-Z" individually and
in their capacities as Police Officers of the NYC
Police Department,

(filed by ECF)

Defendants.
-----X

PLEASE TAKE NOTICE that, upon the annexed Declaration of Susan P. Scharfstein, dated July 21, 2008, and the exhibits annexed thereto, the Local Civil Rule 56.1 Statement submitted by defendants City of New York and the New York City Police Department, and the accompanying memorandum of law dated July 21, 2008, and upon all the papers and proceedings had herein, the undersigned will move this Court, before the Honorable Naomi Reice Buchwald, United States District Judge, at the United States Courthouse for the Southern District located at 500 Pearl Street, New York, New York 10007, on a date and time to be set by the Court, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure dismissing this action in all respects, together with such other relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that opposition papers, if any, must be served on or before August 4, 2008.

PLEASE TAKE FURTHER NOTICE that reply papers will be served on or before August 11, 2008.

Dated: New York, New York
July 21, 2008

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants City of New York and the
New York City Police Department
100 Church Street
New York, NY 10007
(212) 227-4071

By: _____/S/
SUSAN P. SCHARFSTEIN (SS 2476)

To: Gregory Preston, Esq.
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65 Broadway, Suite 508
New York, NY 10006

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MICHAEL A. CARDOZO

*Corporation Counsel of the City of New York
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the New York City Police Department
100 Church Street
New York, N.Y. 10007
Of Counsel: Susan P. Scharfstein (SS 2476)
Tel: (212) 227-4071
NYCLIS No.:*

Due and timely service is hereby admitted.

New York, N.Y., 200 . . .

..... Esq.

Attorney for.....